

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**DAMEIA O. SMITH**

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**CRIMINAL ACTION  
NO. 99-445**

**ORDER**

This 30th day of May, 2024, for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that Petitioner Smith's Motion to Vacate/Set Aside/Correct Sentence under 28 U.S.C. § 2255 (ECF 135) is **DENIED**.

Because the Third Circuit Court of Appeals has not addressed the issue presented here, a certificate of appealability shall issue. 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

/s/ Gerald Austin McHugh  
United States District Judge